United Nations A/68/956

General Assembly

Distr.: General
28 July 2014
English
Original: Chinese

Sixty-eighth session
Agenda item 76 (a)
Oceans and the law of the sea

Letter dated 24 July 2014 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I have the honour to transmit herewith to you China's position paper regarding the two letters and their annexes (A/68/942, A/68/943) dated 3 July 2014 from the Permanent Representative of Viet Nam to the United Nations, addressed to the Secretary-General (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-eighth session of the General Assembly, under agenda item 76 (a).

(*Signed*) **Liu** Jieyi
Ambassador
Permanent Representative

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Annex to the letter dated 24 July 2014 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

Position Paper

China reiterates its position stated in the document annexed to Note (CML/26/2014) to Secretary-General Ban Ki-moon of the United Nations from Ambassador Wang Min, acting Permanent Representative of the People's Republic of China to the United Nations on 9 June 2014, and stresses the following:

1. The Xisha Islands are China's inherent territory, a fact over which there is no dispute. China stands firmly against and by no means accepts the so-called "Xisha disputes" that Viet Nam attempts to fabricate.

2. China was the first to discover, exploit, develop and exercise jurisdiction over the Xisha Islands. That the Xisha Islands remained "terra nullius" until the 17th century, as asserted by Viet Nam, is absolutely incorrect. The Chinese Government, as early as the Northern Song Dynasty (960-1126 AD), had established jurisdiction over the Xisha Islands.

3. Well into its colonial rule in Viet Nam, which started in the late nineteenth century, France remained recognizant of China's sovereignty over the Xisha Islands. The then French Premier and Foreign Minister Aristide Briand admitted on 22 August 1921 "*the impossibility in which we currently find ourselves to claim these islands as the Chinese Government has since 1909 exercised its rights to their ownership*".

4. In accordance with the Cairo Declaration, the *Potsdam Proclamation* and the *Japanese Instrument of Surrender* issued during World War II, the Xisha Islands, which had been occupied by Japan in 1939, were returned to China in the legal sense. The Chinese Government sent senior officials aboard naval vessels to the Xisha Islands in November 1946 to hold a ceremony to receive the islands. A stone tablet was erected to commemorate the handover and troops were subsequently stationed there. The Xisha Islands were thus returned to the jurisdiction of the Chinese Government.

5. The note sent on 14 September 1958 by Vietnamese Premier Pham Van Dong to Chinese Premier Zhou Enlai recognized and supported the *Declaration of the Government of the People's Republic of China on China's Territorial Sea* released on 4 September 1958. It goes without saying that such recognition and support apply to the section of the Declaration referring to "... all territories of the People's Republic of China, including ... the Xisha Islands ... and all other islands belonging to China". Viet Nam cannot deny the fact that this note recognized China's ownership of the Xisha Islands.

6. In January 1974, China exercised the right of self-defence enshrined in the *Charter of the United Nations* by driving the invading army of the Saigon authority of South Vietnam from Shanhu Island and Ganquan Island of the Xisha Islands.

7. China has repeatedly stated its firm opposition to Viet Nam's illegal and forceful disruption of the drilling activities of China's oil rig located 17 nautical miles off the baseline of the territorial waters of the Xisha Islands.